

THE INTERPLAY BETWEEN RELIGIOUS NORMS AND SECULAR LAW: A STUDY OF THE TEN COMMANDMENTS AND THE 1999 CONSTITUTION OF NIGERIA*

Abstract

The interplay between religion and law remains one of the most contested questions in constitutional democracies, particularly in plural societies such as Nigeria. While the Ten Commandments represent a significant moral and religious framework within the Judeo-Christian tradition, but the 1999 Constitution of the Federal Republic of Nigeria defines a secular state based on constitutional primacy, equality, and religious freedom. This term paper rigorously analyzes the degree to which the ethical directives of the Ten Commandments align with, impact, or contradict Nigeria's secular legal framework. It contends that while several commandments have been secularized into generally applicable legal standards, like as bans on murder, theft, and perjury, others remain strictly theological and constitutionally unenforceable in a secular society. Using the doctrinal methodology and comparative constitutional theory, the term paper finds that the Constitution permits moral inspiration from religion but prohibits state enforcement of sectarian doctrine. It concludes and recommends that constitutional supremacy, religious neutrality and fundamental rights must remain the controlling principles in regulating the interface between religious morality and public law.

Keywords: Religious Norms, Secular Law, Decalogue, 1999 Nigerian Constitution

1. Introduction

Law and religion have historically evolved in close conjunction. Numerous early legal systems claimed their legitimacy from divine mandate, with moral codes frequently preceding formal statutes. The Ten Commandments, documented in the biblical texts of Exodus and Deuteronomy, constitute a lasting religious moral framework, delineating obligations to both God and humanity. In numerous communities, these prescriptions have shaped concepts of justice, accountability, and social order. Contemporary constitutional democracies, however, function under a distinct basis. Authority originates not from heavenly command but from constitutional legitimacy and popular sovereignty. The 1999 Constitution of Nigeria explicitly forbids the establishment of any official religion and ensures the freedom of thought, conscience, and religion¹ and guarantees freedom of thought, conscience and religion.² The constitutional design therefore reflects a commitment to secular governance within a religiously diverse society comprising Christians, Muslims and adherents of traditional beliefs. This raises an important legal question: to what extent may religious norms such as the Ten Commandments shape or operate within Nigeria's secular legal system? Are they merely moral guides, or can they form binding legal standards? This term paper addresses these questions through doctrinal and analytical methods, examining the theoretical foundations of secularism, the historical interaction between religion and law, and the constitutional limits imposed on religious influence within Nigeria's legal order.

2. Conceptual Clarifications and Theory

2.1 The Ten Commandments

The Ten Commandments (Decalogue) denote a collection of divine moral and legal principles disclosed by God to Moses on Mount Sinai for the regulation of the Israelites. They represent one of the oldest formalized systems of ethical and religious duties and serve as the core principles of Judeo-Christian moral theology. The Commandments govern both obligations to God and responsibilities to others, thus merging spiritual adherence with societal order.³ In theological and legal studies, the Decalogue is frequently considered an early model of normative law due to its establishment of obligatory norms, prohibitions, and sanctions akin to subsequent legal frameworks.⁴ They have historically influenced Western legal traditions, natural law thinking, and modern constitutional values such as respect for life, property, family, and truthfulness. Biblically, the Commandments are recorded primarily in Exodus 20:1–17 and repeated in Deuteronomy 5:6–21.⁵ According to the biblical text, the Commandments are:

1. You shall have no other gods before Me.

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¹ Constitution of the Federal Republic of Nigeria 1999 (as amended) s 10

² Constitution of the Federal Republic of Nigeria 1999 (as amended) s 38

³ N. M. Jamo, 'The nature and Scope of freedom of thought, conscience and Religion under section 38 of 1999 constitution' (2009) *Ahmadu Bello University Zaria Journal of Private and Comparative Law*, Vol 2

⁴ *Ibid.*

⁵ The Holy Bible, King James Version (Cambridge University Press).

2. You shall not make for yourself a graven image or bow down to idols.
3. You shall not take the name of the Lord your God in vain.
4. Remember the Sabbath day, to keep it holy.
5. Honour your father and your mother.
6. You shall not kill (murder).
7. You shall not commit adultery.
8. You shall not steal.
9. You shall not bear false witness against your neighbour.
10. You shall not covet your neighbour's house, wife, or possessions.⁶

The Two Categories of the Commandments

Scholars traditionally divide the Ten Commandments into two tablets or categories, reflecting two dimensions of obligation.

Duties to God (Vertical Relationship): These Commandments regulate humanity's relationship with God and concern worship, reverence, and spiritual loyalty: No other gods, No idols. Do not misuse God's name and keep the Sabbath holy. These provisions establish religious devotion and monotheism. They are primarily theological rather than civil in nature and are often regarded as matters of personal faith in modern secular constitutional systems.

Duties to Fellow Humans (Horizontal Relationship): These regulate social conduct and interpersonal ethics: Honour parents, do not murder, do not commit adultery, do not steal, do not bear false witness and do not covet. Unlike the first category, many of these norms correspond directly with modern legal prohibitions. For example, murder, theft, and perjury are criminal offences in virtually all legal systems. Consequently, this second category has had greater influence on contemporary civil and criminal law.

In constitutional democracies such as Nigeria, the second category aligns more closely with enforceable legal norms, while the first category is generally treated as private religious morality due to the principle of secularism and freedom of religion under the Constitution. This distinction explains why courts avoid enforcing purely sectarian religious duties but may legislate against universally harmful conduct like killing or stealing.⁷

2.2 Secularism

Secularism, in constitutional philosophy, denotes the notion that the state upholds institutional neutrality toward religion, refraining from adopting, imposing, or favoring any specific faith or religious doctrine. It does not denote animosity towards religion; instead, it necessitates a division between ecclesiastical authority and state power, while concurrently safeguarding individual liberties of belief and worship. In contemporary constitutional democracies, secularism serves three interrelated purposes.⁸ First, it prevents the establishment of a state religion. Second, it guarantees religious liberty and pluralism. Third, it ensures that public law is justified on civic and rational grounds rather than sectarian theology.

Consequently, legal obligations must derive from universally applicable norms rather than sacred texts. In Nigeria, secularism is not expressly labelled as such, yet it is constitutionally entrenched through the combined effect of the prohibition of state religion and the protection of freedom of conscience.⁹

The 1999 Constitution of the Federal Republic of Nigeria, as amended, stipulates that neither the federal nor state government should endorse any faith as the state religion. This provision designates Nigeria as a secular state, prohibiting governmental affiliation with Christianity, Islam, or any other religious tradition. It prohibits the legal enforcement of concepts that are solely religious or sectarian. This provision is further strengthened by another section of the Constitution¹⁰ by virtue of its guarantee of the freedom of thought, conscience and religion. Section 38 Of the Constitution provides sub-sections 1, 2 and 3 as follows:

1. Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance;

⁶ Exodus 20:1–17; Deuteronomy 5:6–21 (KJV).

⁷ Ibid.

⁸ O.J Shola, 'Secularism and Religious Balancing', www.irimgard.conintx-stifung.org accessed 29 January 2026

⁹ Godwin N. Okeke, 'The Ambivalence of the 1999 Nigerian Constitution in Matters Relating to Secularism: A Case for Constitutional Review' *IJHSS*, Volume 2 issue 1, 65

¹⁰ Section 38(1) (2) (3)

2. No person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony if such instruction, ceremony or observance relates to a religion other than his own, or a religion not approved by his parent or guardian.
3. No religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination. It may be argued in the light of this provision that religious symbols (indigenous or received) have no place on public lands, national edifices, currency, flag, coat of arms, anthem, pledge and other national symbols.

By this section, Nigeria is declared to be a secular state and therefore cannot join any organization that has a religious connotation. Together, sections 10 and 38 create a dual framework: the state must remain neutral, while individuals remain free to practise religion privately or communally. Nigerian courts have affirmed that religious belief is primarily a matter of personal autonomy rather than state coercion. In *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo*,¹¹ the Supreme Court emphasised that freedom of conscience includes the right to act in accordance with one's religious convictions without state compulsion. Similarly, in *Provost, Kwara State College of Education v Bashirat Saliu*,¹² the Court of Appeal recognised that constitutional protection of religion requires governmental tolerance and neutrality toward differing beliefs. These decisions reflect a constitutional commitment to secular governance rather than religious enforcement.

The Ten Commandments, as a religious code, contain both theological duties (obedience to God, prohibition of idols, Sabbath observance) and moral-social duties (prohibitions against murder, theft, adultery and false testimony). This dual character creates tension within a secular constitutional framework. Under Nigeria's secular structure, the first category of the Commandments those regulating duties to God are clearly non-justiciable religious obligations. Any attempt by the state to legally enforce worship of one God, prohibit 'idolatry', or mandate Sabbath observance would amount to adoption of a particular faith, contrary to section 10. Such enforcement would transform sectarian doctrine into state law, undermining religious equality.

By contrast, the second category overlaps with universally recognised civil and criminal norms. Prohibitions against killing, stealing, perjury and adultery are reflected in Nigeria's Criminal Code and Penal Code. However, their legal validity does not stem from biblical authority but from secular public interest considerations such as protection of life, property, family stability and social order. In other words, the norms are enforceable not because they are commandments, but because they serve legitimate civic purposes. This distinction is crucial. A secular state may adopt rules that coincide with religious morality, but it must justify them on neutral, non-theological grounds.¹³ Where a rule is defensible only by reference to divine command, it becomes constitutionally suspect. Applying secularism to the Ten Commandments debate yields three implications.

First, Nigeria cannot constitutionally elevate the Decalogue into a binding legal code or symbolic state creed, as doing so would privilege Judeo-Christian doctrine over other beliefs. Second, while moral principles shared by the Commandments may influence legislation, they must be framed in general legal language, not religious prescription. For instance, homicide laws protect life as a civic value, not because 'Thou shalt not kill' is scriptural. Third, secularism promotes pluralism in a multi-religious society such as Nigeria, where Christianity, Islam and African Traditional Religions coexist. State endorsement of one religious code risks exclusion, discrimination and social conflict. Thus, constitutional secularism acts as a safeguard ensuring that religious texts such as the Ten Commandments may inform personal morality but cannot function as sources of binding public law.¹⁴

2.3 Constitutionalism and Legal Positivism

Constitutionalism emphasises the supremacy of the constitution, rule of law and limited government.¹⁵ Under legal positivism, law derives validity from recognised sources such as legislation and judicial decisions, not from religious morality.¹⁶ Thus, religious principles become law only when enacted or recognized through constitutional processes. These theoretical perspectives suggest that while morality may inspire legislation, enforceability depends on constitutional legitimacy rather than divine origin.

¹¹ (2001) 7 NWLR (Pt 711) 206 (SC).

¹² (2009) 10 NWLR (Pt 1150) 305 (CA).

¹³ Ibid.

¹⁴ Jide Osuntokun, 'Nigeria a secular or multi religious state', www.the.nationonline.net.n/2011 accessed 29 January 2026

¹⁵ B O Nwabueze, *Constitutionalism in the Emergent States* (C Hurst 1973).

¹⁶ HLA Hart, *The Concept of Law* (3rd edn, OUP 2012).

3. Historical Interplay of Religion and Law

The relationship between religion and law is historically intimate and foundational. Long before the emergence of modern constitutional states, law was commonly understood not as a purely civic creation but as an expression of divine will. In many ancient societies, legal authority derived legitimacy from religion, and obedience to law was equated with obedience to God or the gods. Consequently, early legal systems often fused morality, ritual obligation and civil regulation into a single normative order.¹⁷ The historical development of secular constitutionalism, therefore, represents not the absence of religion from law, but the gradual differentiation of political authority from religious control. In antiquity, law and religion were largely indistinguishable. Kings and priests frequently served as both political rulers and religious intermediaries. Legal rules were believed to originate from divine revelation, and transgression was treated as both a crime and a sin. The Hebrew legal tradition provides one of the clearest examples of this fusion. The Mosaic Law, particularly the Ten Commandments (Decalogue), was presented as a direct revelation from God to Moses and functioned simultaneously as religious instruction and civil regulation.¹⁸ Duties to God and duties to neighbour were incorporated within the same code, demonstrating that spiritual and social obligations were conceived as inseparable. This pattern was not unique to Israelite society. Comparable connections between religion and law existed in other ancient civilisations, where rulers justified legal authority through sacred mandate. Law's legitimacy, therefore, rested less on popular consent or rational deliberation and more on theological command. The effect was to render legal disobedience morally reprehensible and divinely punishable.¹⁹

During the medieval period, especially in Europe, Christianity profoundly shaped legal institutions. Canon law governed marriage, inheritance, morality and clerical discipline, often operating alongside or even above secular authority. The Church became a central legislative and judicial institution, and moral offences such as heresy, blasphemy and sacrilege attracted legal sanctions. Theological jurists further reinforced the connection between divine order and legal order. Thomas Aquinas articulated the influential theory of natural law, arguing that human law derives its validity from conformity with divine and moral reason.²⁰ Under this framework, law was not merely a command of the sovereign but part of a broader moral universe structured by God. This intellectual tradition later influenced Western legal thought by embedding concepts such as justice, dignity and the sanctity of life into legal reasoning. Nevertheless, the medieval fusion of religious and political power often generated conflict, particularly where ecclesiastical and royal authorities competed for supremacy. These tensions gradually stimulated calls for institutional separation.

The Reformation, the Enlightenment and the rise of modern constitutionalism marked a decisive transformation in the relationship between religion and law. Religious conflicts in Europe demonstrated the dangers of state enforcement of sectarian doctrine, prompting the search for political arrangements that could accommodate religious diversity. Law increasingly derived legitimacy from popular sovereignty, rational justification and constitutional consent rather than theological mandate. This transition produced the idea of the secular state: a state that neither establishes nor enforces religion but guarantees freedom of conscience. Religion remained influential in shaping moral values, yet the authority of law became grounded in civic principles. The separation was therefore functional rather than absolute; religion informed personal morality, while the state exercised neutral governance. In many jurisdictions, however, religious norms continued to influence substantive law indirectly. Prohibitions against murder, theft, perjury and adultery norms also found in the Ten Commandments persisted, not because they were religious commands, but because they protected social order. Thus, the content of law sometimes mirrored religious ethics while its justification became secular. The historical interplay between religion and law took a distinctive form in African societies, including Nigeria. Pre-colonial communities regulated conduct through customary law intertwined with indigenous spiritual beliefs. Social norms were often enforced through religious sanction, ancestral authority and communal morality. Law was therefore embedded in cosmology rather than codified statutes.

Colonial rule introduced English common law and statutory systems, creating a plural legal order in which customary, religious and received laws coexisted.²¹ In Northern Nigeria, Islamic law (Sharia) became integrated into personal status and, in some periods, criminal justice, while Christian missionary influence shaped education and moral regulation in other regions. This pluralism illustrates that religion continued to shape legal norms even as formal state institutions adopted secular structures. Post-independence Nigeria confronted the challenge of governing a deeply multi-religious society composed primarily of Christians, Muslims and adherents of African Traditional Religions. Historical experiences of religious tension made the adoption of an official religious code

¹⁷ Carl Cohen, 'Civil Disobedience: Conscience, Tactics and the Law,' accessed <https://syllabus.pirate.carepdf.com>, January 2026

¹⁸ *The Holy Bible*, King James Version (Cambridge University Press) Exodus 20:1–17; Deuteronomy 5:6–21.

¹⁹ *ibid*

²⁰ Thomas Aquinas, *Summa Theologiae* I–II, q 90–97.

²¹ BO Nwabueze, *Constitutional Law of the Nigerian Republic* (Butterworths 1964).

politically hazardous. The 1999 Constitution therefore embodies a model of constitutional neutrality, prohibiting the adoption of any state religion.²² At the same time, it protects freedom of religion and permits limited accommodation of religious courts for personal matters.²³ This arrangement reflects the historical trajectory from fusion to differentiation. Religion remains socially influential and legally recognised in limited spheres, yet the state may not enforce sectarian doctrines as public law. The Ten Commandments, for instance, may inform private morality but cannot operate as binding constitutional norms. Only those principles capable of secular justification such as protection of life or property are incorporated into enforceable legislation.

Understanding the historical interplay between religion and law clarifies the constitutional status of the Ten Commandments in Nigeria. Historically, such commandments functioned as both divine and civil law within theocratic communities. Modern constitutionalism, however, rejects this fusion. The Nigerian state cannot adopt the Decalogue as a legal code without undermining religious equality and violating section 10 of the Constitution. Nevertheless, many values embedded in the Commandments survive in secularised form within criminal and civil law. Thus, history demonstrates not a complete divorce between religion and law, but an evolution: from identity, to tension, to principled separation. Religion continues to influence ethical foundations, while law maintains institutional independence.

4. Comparative Analysis of the Ten Commandments and Legal Norms

A functional comparison reveals that some commandments correspond closely with enforceable legal duties. The prohibition against killing aligns with homicide offences under the Criminal Code and Penal Code.²⁴ The prohibition of stealing corresponds with theft and robbery offences.²⁵ The ban on false witness parallels perjury and evidence-related offences.²⁶ Respect for parents finds indirect support in family and maintenance laws. These norms are enforceable because they protect public order and the rights of others. Their justification is secular: preservation of life, property and justice. By contrast, commandments such as exclusive worship of God, prohibition of idols and Sabbath observance are purely theological. Enforcing them would compel religious conformity and violate constitutional freedoms. Such injunctions are therefore moral or spiritual rather than legal obligations within a secular state. This distinction demonstrates the transformation of certain religious morals into universal civic norms while leaving others outside legal regulation.

5. Constitutional and Legal Framework in Nigeria

The Nigerian Constitution clearly adopts a secular orientation. Section 10 provides: ‘The Government of the Federation or of a State shall not adopt any religion as State Religion.’²⁷ Section 38 guarantees freedom of thought, conscience and religion, including the freedom to change or manifest one’s religion.²⁸ Section 1 establishes constitutional supremacy over all authorities.²⁹ Together, these provisions prevent the state from enforcing religious doctrine, including specifically Christian norms such as the Ten Commandments. Although Nigeria recognises legal pluralism, customary and Sharia courts are constitutionally permitted. These operate within constitutional limits and cannot override fundamental rights. Thus, no religious code may displace constitutional guarantees. Nigerian courts have consistently protected religious freedom and limited state interference. In *Archbishop Anthony Okogie v Attorney-General of Lagos State*,³⁰ the Court of Appeal held that government control of religious schools could infringe constitutionally protected religious freedom. The decision underscores the constitutional protection of religious autonomy. Also, in *Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo*,³¹ the Supreme Court affirmed that individuals are entitled to make personal decisions based on religious beliefs and conscience. This reinforces freedom of belief and non-coercion. These cases indicate that while individuals may live according to religious norms, the state cannot impose such norms universally. Consequently, mandating observance of the Ten Commandments in public institutions would likely breach constitutional neutrality. Religious morality can positively influence law by promoting ethical behavior, social cohesion and respect for life and property. The Ten Commandments have historically shaped widely accepted moral standards. However, risks arise when religious norms become coercive state policy. In plural societies like Nigeria, privileging one faith may marginalise others, undermine equality and provoke conflict. Enforcement of sectarian rules may also erode constitutional supremacy and threaten minority rights. Critics of strict secularism

²² Constitution of the Federal Republic of Nigeria 1999 (as amended) s 10.

²³ *ibid* ss 38, 275–279, 260–264.

²⁴ Criminal Code Act, Cap C38 Laws of the Federation of Nigeria 2004 ss 306–319.

²⁵ *ibid* ss 383–390

²⁶ Criminal Code Act, s 117 (perjury).

²⁷ Constitution of the Federal Republic of Nigeria 1999, s 10.

²⁸ *ibid* s 38.

²⁹ *ibid* s 1(1).

³⁰ (1981) 2 NCLR 337 (CA).

³¹ (2001) 7 NWLR (Pt 711) 206 (SC).

argue that law cannot be morally neutral. Yet the appropriate response is not the establishment of religious codes but the adoption of universally justifiable principles grounded in human rights and public reason.

7. Conclusion and Recommendations

The Ten Commandments continue to serve as a significant moral and theological framework, with many of their ethical directives integrated into secular legal standards. Nonetheless, Nigeria's constitutional framework is based on constitutional primacy and pluralism rather than divine mandate. The state cannot enforce theological mandates on worship or religious loyalty without contravening sections 10 and 38 of the Constitution. Thus, although religion can shape individual morality and motivate ethical laws, enforceable legislation must be grounded in secular, rights-based rationale. The stability of Nigeria as a multi-religious federation relies on upholding genuine state neutrality. It is thus advised that government entities uphold stringent religious neutrality by abstaining from the official support, adoption, or promotion of any specific religion teaching in the development of public policy or law. The judiciary must persist in exercising stringent constitutional examination in instances when governmental actions seem to enforce religious uniformity or jeopardize freedom of conscience, thus preserving the secular nature of the Nigerian state. Civic and legal education should emphasize constitutional values, including equality, pluralism, and fundamental rights, over sectarian traditions to promote social cohesion in Nigeria's multi-faith community. Although religious morality can appropriately influence ethical contemplation and public dialogue, it ought to be persuasive rather than legally obligatory unless it is converted into neutral, universally applicable principles that can be justified on civic and constitutional bases. The Constitution, rather than any religious scripture, must be the paramount law of the land and the ultimate source of legal authority.